

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-901

13 **REBECCA KATHLEEN HARRAH**
14 **A.K.A. REBECCA K. HARRAH**
15 **1423 Corral Drive**
16 **Houston, TX 77090**

A C C U S A T I O N

17 **Registered Nurse License No. 324462**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about December 31, 1980, the Board of Registered Nursing issued Registered
24 Nurse License Number 324462 to Rebecca Kathleen Harrah, also known as Rebecca K. Harrah
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought in this Accusation and will expire on January 31, 2015, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code (Code) provides, in relevant part,
6 that the Board may discipline any licensee, including a licensee holding a temporary or an
7 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
8 Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
11 licensee or to render a decision imposing discipline on the license. Under section 2811,
12 subdivision (b), of the Code, the Board may renew an expired license at any time within eight
13 years after the expiration.

14 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
15 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
16 disciplinary action during the period within which the license may be renewed, restored, reissued
17 or reinstated.

18 **STATUTORY/REGULATORY PROVISIONS**

19 7. Section 2761 of the Code states, in part:

20 "The board may take disciplinary action against a certified or licensed nurse or deny an
21 application for a certificate or license for any of the following:

22 "(a) Unprofessional conduct, which includes, but is not limited to, the following:"

23 ///

24 ///

25 ///

26 ///

8. Section 2762 of the Code states, in pertinent part, that “[i]n addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.”

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINARY ACTION

(Unprofessional Conduct)
(Bus. & Prof. Code §2761, subd. (a))

11. Respondent has subjected her Registered Nurse License to disciplinary action under Code section 2761, subdivision (a), in that she engaged in unprofessional conduct. The circumstances are as follows:

12. On or about April 21, 2011, a Martinez Police Department (MPD) officer was dispatched on Respondent's report of someone "possibly hitting a little girl" in a downstairs apartment. The MPD officer contacted Respondent at her apartment. Respondent was naked from the waist down and stated that she was not expecting anybody. After getting dressed, Respondent asked the MPD officer to come in. As Respondent opened the door further to allow the officer to enter, she stumbled backwards and fell into a seated position on the couch. The officer observed that Respondent had a very unsteady gait, her eyes were red and watery, her

1 speech was slurred, and she smelled like an alcoholic beverage. Respondent told the officer that
2 she did not know why he was there, and she did not remember calling him. When the officer
3 asked Respondent how much she had had to drink, she stated that she drank four glasses of wine.
4 As the officer was speaking with Respondent, a dog from a neighboring apartment complex
5 began to whine and its owner told it to be quiet. Respondent told the officer that was the sound of
6 the child getting beaten. The officer explained that a child was not being beaten, and advised
7 Respondent to only call the police for real emergencies.

8 13. The officer left and returned to his patrol vehicle, which was parked on the street in
9 front of Respondent's apartment complex. As he was typing the call's disposition into his patrol
10 vehicle, he noticed Respondent stumbling toward him. Respondent walked all the way to the
11 curb where the officer met her. Respondent continued to tell the officer that a child was getting
12 beaten. Based on his earlier observations and his training and experience, the officer determined
13 that Respondent was too intoxicated to care for her own safety or the safety of others around her.
14 The officer arrested Respondent for disorderly conduct and public intoxication, in violation of
15 Penal Code section 647, subdivision (f).

16 **SECOND CAUSE FOR DISCIPLINARY ACTION**

17 (Unprofessional Conduct)
(Bus. & Prof. Code §2761, subd. (a))

18 14. Respondent has subjected her Registered Nurse License to disciplinary action under
19 Code section 2761, subdivision (a), in that she engaged in unprofessional conduct. The
20 circumstances are as follows:

21 15. On or about May 17, 2012, a Martinez Police Department (MPD) officer was
22 dispatched to an area near an apartment complex in Martinez on a report of a female yelling for
23 help. The MPD officer arrived at the scene, and Respondent staggered toward the officer, unable
24 to keep her balance. The officer had to reach out to Respondent and steady her to prevent her
25 from falling. Respondent's speech was slow, thick, and slurred. Respondent told the officer that
26 she drank half a pint of Vodka. Respondent reported that she had no friends or family in the area
27 and that she was trying to get attention because she felt that some of her personal items had been
28

1 stolen. Based on Respondent's erratic behavior and her level of intoxication, the MPD officer
2 concluded that she was too intoxicated to care for her
3 own safety. The officer arrested Respondent for public intoxication, in violation of Penal Code
4 section 647, subdivision (f).

5 **THIRD CAUSE FOR DISCIPLINARY ACTION**

(Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)
6 (Bus. & Prof. Code §2762, subd. (b))

7 16. Complainant realleges the allegations contained in paragraphs 11 through 15 above,
8 and incorporates them as if fully set forth.

9 17. Respondent has subjected her registered nurse license to disciplinary action under
10 Code section 2762, subdivision (b), in that she engaged in unprofessional conduct by using
11 alcohol in a dangerous manner. Specifically, on or about April 21, 2011, and on or about May 17,
12 2012, Respondent used, and was under the influence of, alcoholic beverages to an extent
13 dangerous or injurious to herself and the public, as set forth in paragraphs 11 through 15, above.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
16 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 324462, issued to
18 Rebecca Kathleen Harrah, also known as Rebecca K. Harrah (Respondent);

19 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
20 the investigation and enforcement of this case, pursuant to Business and Professions Code section
21 125.3; and

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: April 10, 2013

Louise R. Bailey
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

SF2013901353

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28